

**Minutes of the Regular Planning Board Meeting
June 13, 2005 – 7:00 p.m.**

1. CONVENE: 7:14 p.m.
2. FLAG SALUTE: Mr. Lynch
3. ROLL CALL: Vice President Cook, Kohlstrand, Lynch, Mariani, and
 Piziali.

President Cunningham and Board Member Gina Mariani were absent.

Also present were Deputy City Attorney Julie Harryman, Assistant City Manager Paul Benoit, Supervising Planner Cynthia Eliason, Supervising Planner Judith Altschuler, Contract Planner Chandler Lee, Planner III Douglas Garrison, Planner III Allen Tai, Planner II Dennis Brighton, Jennifer Ott, Development Manager, Development Services Department, Leslie Little, Development Services Department.

4. MINUTES: Minutes for the meeting of May 23, 2005.

M/S Kohlstrand/Piziali and unanimous to approve the minutes for the meeting of May 23, 2005, as presented.

AYES – 5 (Cunningham, Mariani absent); NOES – 0; ABSTAIN – 0

5. AGENDA CHANGES AND DISCUSSION:

Ms. Eliason suggested that Item 7-C be moved from the Regular Agenda to the Consent Calendar so that it may be continued.

M/S McNamara/Kohlstrand and unanimous to move Item 7-C from the Regular Agenda to the Consent Calendar.

AYES – 5 (Cunningham, Mariani absent); NOES – 0; ABSTAIN – 0

6. ORAL COMMUNICATIONS: None.

7. CONSENT CALENDAR:

Ms. McNamara advised that she would vote “No” on the Consent Calendar because she still had concerns about the design of the approved residence in Item 7-D; she continued to voice her opposition to the design review.

Ms. Harryman advised that she and Ms. McNamara had discussed this issue before the meeting.

7-A. **DA-99-01 -- Catellus Development Corporation (CL).** The applicant requests a Periodic Review of Development Agreement, DA-99-01, for the period from January through December 2004, as required under Zoning Ordinance Section 30-95.1. The properties are zoned MX (Mixed Use Planned Development District).

M/S Piziali/Lynch to adopt Planning Board Resolution No. PB-05-17 to approve a Periodic Review of Development Agreement, DA-99-01, for the period from January through December 2004, as required under Zoning Ordinance Section 30-95.1.

AYES – 4 (Cunningham, Mariani absent); NOES – 1 (McNamara); ABSTAIN – 0

- 7-B. **DA89-1 -- Harbor Bay Business Park Association, Harbor Bay Isle Associates and Harbor Bay Entities -- Bay Farm Island (Primarily Harbor Bay Isle) (CE).** A request for a Periodic Review of Development Agreement DA89-01, for the period through April 4, 2005, as required under Zoning Ordinance Section 30-95.1. The properties are zoned R-1-PD, One Family Residence/Planned Development Zoning District; C-M-PD, Commercial Manufacturing Planned Development Zoning District; O, Open Space Zoning District and R-1-A-H, One Family Residence with Special Agricultural and Height Limit Combining Zoning District.

M/S Piziali/Lynch to adopt Planning Board Resolution No. PB-05-18 to approve a Periodic Review of Development Agreement DA89-01, for the period through April 4, 2005, as required under Zoning Ordinance Section 30-95.1.

AYES – 4 (Cunningham, Mariani absent); NOES – 1 (McNamara); ABSTAIN – 0

- 7-C. **UP05-0007 – West Alameda Business Association (WABA) and City of Alameda – Public Parking Lot at Taylor Avenue and Webster Street (DB).** Applicants request approval of an amendment to Use Permit UP-98-53 to allow an extension of operation of the existing farmers' market which currently operates on Tuesday morning to include late Thursday afternoons/evenings, from 4:00 p.m. through 8:00 p.m., during the summer and early fall. This would be located in City Public Parking Lot D. The site is located within the CC (Community Commercial) Zoning District and is located within the boundaries of the Business and Waterfront Improvement Project.

M/S McNamara/Kohlstrand and unanimous to move Item 7-C from the Regular Agenda to the Consent Calendar.

AYES – 5 (Cunningham, Mariani absent); NOES – 0; ABSTAIN – 0

M/S Piziali/Lynch to adopt Planning Board Resolution No. PB-05-19 to approve an amendment to Use Permit UP-98-53 to allow an extension of operation of the existing farmers' market which currently operates on Tuesday morning to include late Thursday afternoons/evenings, from 4:00 p.m. through 8:00 p.m., during the summer and early fall. This would be located in City Public Parking Lot D. The site is located within the CC (Community Commercial) Zoning District and is located within the boundaries of the Business and Waterfront Improvement Project.

- 7-D. **Variance V05-0003/Major Design Review DR04-0109 – KD Architects, Inc. for Kwan Li - 2411 Webb Avenue (AT).** Applicants request a Major Design Review and two Variances to construct a two-story residential/commercial mixed use building on a vacant parcel. The project proposes two ground floor retail spaces approximately 800-860 square feet in size and two residential units on the second floor with approximately 700 - 1,000 square feet of floor area for a total gross floor area of 3,383 square feet. The design of the building resembles a streamlined Moderne style with a combination of stucco exterior siding and clear anodized aluminum trim. Access to parking located at the rear of the building is through a driveway located along the right side of the building under a portion of the second story. The project requires a total of twelve parking spaces, and the project will provide six spaces with a variance and in-lieu fees paid to the City for six deficient spaces. A variance is requested for a reduced landscaping separation between one parking space and the north and east property lines, where three feet is required. The site is located within the Park Street C-C, Community Commercial Zoning District. **(Continued from the meeting of May 23, 2005.)**

M/S Piziali/Lynch to adopt Planning Board Resolution No. PB-05-20 to approve a Major Design Review and two Variances to construct a two-story residential/commercial mixed use building on a vacant parcel. The project proposes two ground floor retail spaces approximately 800-860 square feet in size and two residential units on the second floor with approximately 700 - 1,000 square feet of floor area for a total gross floor area of 3,383 square feet. The design of the building resembles a streamlined Moderne style with a combination of stucco exterior siding and clear anodized aluminum trim. Access to parking located at the rear of the building is through a driveway located along the right side of the building under a portion of the second story. The project requires a total of twelve parking spaces, and the project will provide six spaces with a variance and in-lieu fees paid to the City for six deficient spaces. A variance is requested for a reduced landscaping separation between one parking space and the north and east property lines, where three feet is required.

AYES – 4 (Cunningham, Mariani absent); NOES – 1 (McNamara); ABSTAIN – 0

8. REGULAR AGENDA ITEMS

- 8-A. **Zoning Text Amendment ZA05-0002, Applicant: Alameda Theatre Project Inc., - All Neighborhood Business Districts (C-1) within the City of Alameda (DG/CE).** The applicant requests an Amendment to Alameda Municipal Code Section 30-4.8(c) to add "Boutique Theater" as an allowable use in the C-1 zoning district, subject to Use Permit approval. "Boutique Theater" would be defined as "A theater with audiences of 49 persons or less for live performances or for the screening of motion pictures where there is only one screen in the theater."
(Continued from the meeting of May 23, 2005.)

Vice President Cook advised that there were more than five speaker slips submitted for this item.

M/S Kohlstrand/McNamara and unanimous to limit the speakers' time to three minutes.

The public hearing was opened.

Mr. Robert Gavrich noted that it appeared that there was support for boutique theaters, and that the Planning Board should rethink the City's strategy to build big box, megaplex theaters in Alameda. He noted that Alameda's small town atmosphere should promote family businesses, and believed that Central Cinema should not be the only boutique theater on the Island. He noted that the support for such a neighborhood cinema was heavily supported in Alameda, versus the Cineplex. He believed the City would rely on the Cineplex to replace the lost tax revenues previously received from Ron Goode Toyota. He noted that Central Cinema would not use any tax dollars, and that the entrepreneur would take all the financial risk.

Mr. Peter MacDonald, attorney for the applicant, believed that the 164 pages submitted by Barbara Thomas were adequately responded to in the Negative Declaration and the staff report. He noted that the applicant was comfortable with that response, and added that a neighborhood with no impacts was a neighborhood with no life. He believed that the scale of the impacts was the main issue, and he believed the staff report demonstrated that. He asked the supporters of the Central Cinema to stand up.

Ms. Lisa Griffith noted that she and her husband owned the home next to Central Cinema, and were not opposed to the idea of a boutique theater itself. She was concerned about the parking impact on her home, and noted that many evenings, cars had been parked in front of her driveway, some belonging to theater patrons, and some not. She was opposed to this particular use because of its impacts on her home; she noted that many supporters of the theater either lived elsewhere or had a usable driveway.

Ms. Barbara Thomas, PO Box 1381, spoke in opposition to this item, and wished to ensure that the 16-page letter had been received by the Board. She had not seen a response to that letter. She noted that the first letter she wrote was submitted after staff stated that CEQA did not apply; staff reread the letter and then stated that CEQA did

apply. She noted that staff stated that CEQA did not apply in terms of a full-scale environmental impact report because each subsequent conversion requested by the applicant would be subject to that categorical exemption. She stated that staff asserted that it would be subject to discretionary review. She believed that if the applicant wished to have a similar use elsewhere on the Island, staff would state that it was categorically exempt under CEQA, which she believed would subvert the intent of CEQA. She believed a complete CEQA analysis would be required. She noted that the Alameda Municipal Code stated that parking for commercial purposes could not be places in residential zones, which was what happened with respect to this use. She noted that the Webster Street plan included a theater, and suggested that a theater in that district would be sufficient. She noted that the movie industry released films on DVD within three months of theatrical release to take advantage of advertising, and did not believe this theater would be financially feasible. She advised that the General Plan stated that commercial parking in residential areas should be dissuaded, and believed that should be taken at its meaning. She noted that movie attendance has been declining, and did not believe that boutique theaters would be able to succeed.

Mr. David Hart, 712 Taylor, spoke in support of this application, and agreed with Mr. Gavrich's comments. He noted that he was familiar with parking challenges for a homeowner in a retail district. The residents supported positive businesses coming into the neighborhood, and against negative businesses. He believed the neighbors were supportive of positive businesses in the area, and he believed that public's opinion had been heard clearly. He recalled Ms. Thomas' statements regarding the possibility of the theater failing, and noted that in America, an entrepreneur had the right to try and to fail. He noted that the applicant has been succeeding so far, and he supported the applicant's efforts to succeed in other districts. He noted that the applicant was not using any public dollars or City funds, and that he was risking his own dollars. He noted that there was overwhelming neighborhood support for Central Cinema and boutique theaters in Alameda.

Mr. Chuck Millar noted that the boutique theater was in keeping with the other charming aspects of Alameda. He noted that any ordinance should include parking guidelines, and believed that the patrons should be considerate of the neighbors.

Mr. Kirwin agreed with the other supporters of boutique theaters in Alameda, and believed that the free market would prevent oversaturation of boutique theaters in Alameda. He lives next to a park, and understands the parking problems inherent; he did not want to eliminate soccer games in Alameda because of the inconvenience of a homeowner. He did understand residents' concerns about parking, and has found that Alamedans generally respect one another. He suggested that the applicant post a sign asking the patrons to respect the adjacent neighbors with respect to parking.

The public hearing was closed for Board discussion.

In response to an inquiry by Mr. Piziali, Ms. Eliason confirmed that the residential properties within the 17 C-1 districts, as well as the residential areas within 100 feet of

those districts were given notices by mail, legal notices in the newspaper and posted ads. All responses were provided to the Board.

Mr. Piziali noted that he had not noticed any strong reaction to the proposed zoning language change.

In response to an inquiry by Mr. Lynch, Ms. Eliason confirmed that this use would be a conditional use in all C-1 districts. She confirmed that it would not allow this commercial use within a residential zone.

In response to an inquiry by Ms. Kohlstrand regarding retail and other parking within the C-1 districts, Ms. Eliason replied that the C-1 District was subject to the City's overall parking standards within the Zoning Ordinance. There were special provisions for new uses; buildings over ten years old with uses that do not change substantially according to the Zoning Ordinance, parking is not required to be provided.

In response to an inquiry by Mr. Lynch regarding the validity of the CEQA findings, Mr. Garrison stated that everything under CEQA may be challenged. If it was determined to be categorically exempt, the City must prove that.

Vice President Cook advised that a speaker slip had been received from the applicant.

Mr. Mark Haskett, applicant, wished to address the parking issue and noted that they were trying to get cars off the street. He noted that he lived a block from the theater, and the population density in Alameda was such that people could walk to the theater. He did not believe there was a serious parking problem, and recalled that an adjacent neighbor spoke at the last meeting and stated that on one occasion, they had to park a block away. He noted that he did not advertise because the theater was intended for the neighbors' use.

In response to an inquiry by Ms. McNamara regarding avenues for challenging this use if parking was determined to be a problem, Ms. Eliason replied that each individual boutique theater would come before the Planning Board for a discretionary review. A use permit would be associated with it, and individual cases would be considered by the Board.

Vice President Cook advised that periodic review for *a variety of parking* issues had been attached to use permits in the past.

Ms. Kohlstrand noted that she supported this kind of activity in neighborhood areas, and that it was a positive contribution to neighborhood commercial districts.

Vice President Cook noted that she was in favor of this amendment.

M/S Piziali/McNamara and unanimous to adopt Planning Board Resolution PB-05-21 to recommend approval of an Amendment to Alameda Municipal Code Section 30-4.8(c) to

add “Boutique Theater” as an allowable use in the C-1 zoning district, subject to Use Permit approval. “Boutique Theater” would be defined as “A theater with audiences of 49 persons or less for live performances or for the screening of motion pictures where there is only one screen in the theater.”

AYES – 5 (Cunningham, Mariani absent); NOES – 0; ABSTAIN – 0

8-B. **Use Permit UP05-0009, Applicant: Mark Haskett (Alameda Theater Project, Inc.), - 842 Central Ave. (DG/CE).** The applicant requests the granting of a Use Permit allowing the operation of a Boutique Theater located in a C-1 Zoning District. **(Continued from the meeting of May 23, 2005.)**

Mr. Piziali noted that there were more than five speaker slips on every item on the agenda.

M/S Piziali/Ms. McNamara and unanimous to limit the speakers' time to three minutes throughout the remainder of the meeting.

The public hearing was opened.

Mr. David Hart, 712 Taylor, spoke in support of this application. He noted that he had taken a terminally ill family member who lived three houses from the theater to a movie, and that they were able to walk. He noted that he walked through the neighborhood frequently, and did not see any crowding in the neighborhood. He believed that Central Cinema was an unqualified positive feature for the neighborhood.

Mr. Robert Gavrich spoke in support of this application, and noted that he lived near a theater on High Street. He noted that it was not even a minor nuisance, and that it was a feature in neighborhoods in support of culture. He had patronized Central Cinema six or seven times, and had never had a problem parking on Central Avenue. He suggested assessing a dollar per ticket to mitigate the parking impacts on the neighborhood.

Mr. Lisa Griffith noted that she did not have a parkable driveway, and has never parked her car in front of that driveway. She appreciated that the theater was quaint, but did not want to drive around for half an hour looking for a place to park. She had experienced people parking in front of her driveway, sometimes by patrons of the theater.

Mr. Dave Kirwin wished to reiterate his opinion that this is a positive feature for the neighborhood. He noted that he would not be able to stay for Items 8-D and 8-E, and was happy to hear that the historic theater would be revitalized. He did not believe the scale of the Cineplex would fit Alameda, and suggested that it be downscaled.

Ms. Barbara Thomas noted that there was a parking requirement (AMC 30-7.2), and noted that offstreet parking was intended to protect neighborhoods from parking and vehicular traffic congestion generated by adjacent nonresidential district. She noted that theaters require one space per 350 square feet in a C-1 zone, and was dismayed to find that information was not in the staff report. She noted that she had served Mr. Haskett at his house, which was not one block from the theater.

Mr. Chuck Millar believed this use should be made conditional, to be reviewed from time to time, and that the City should proceed with caution. He believed it could be the start of a wonderful use in Alameda.

Ms. Valerie Ruma, 1610 Willow, spoke in support of this application. She wished to address the parking issues, and noted that she had attended the Central Cinema on the weekends. She had never had a problem with parking, even five minutes from showtime.

Ms. Janin Von Furst, 917B Santa Clara, noted that she was a renter, and was very concerned about not being able to park near her home. She believed that Alameda should have residential parking permits. She was in favor of the Central Cinema, but would like the owner to take the onus of ensuring that neighborhood parking is not made more difficult for the residents.

Mr. Kopps noted that he enjoyed going to Central Cinema because his mother was comfortable with him attending on his own. He noted that he had his tenth birthday party there, and enjoyed the family atmosphere. He promised to walk to the Cinema if it were allowed to remain open.

Mr. Kevin Frederick noted that he had lived in the neighborhood for 20 years, and preferred to bicycle and walk around the Island. He supported the Central Cinema, and believed it was a great neighborhood use.

Mr. Peter Macdonald, attorney for the applicant, noted that he had performed an informal parking survey on two nights, and noted that on both nights, 40% of the patrons walked to the theater. He added that 15 and 13 cars, respectively, were driven by patrons. He did not believe it would be viable or necessary to put a parking lot in this neighborhood when street parking was available. He believed the existing parking should be used. He noted that the 15 minute intervals between shows was not a problem during the day with an audience size of five to 10 people. He noted that the applicant had spent \$7,400 to process this case to date, and suggested that the amount of fees should be capped for certain types of cases. He was concerned that smaller businesses may not be able to get through the process. In response to an inquiry by Mr. Piziali whether fines were included in those fees, Mr. Macdonald replied that they were planning processing fees.

Mr. Mark Haskett, applicant, noted that he kept track of spaces available during sellout nights, and added that there were often spaces available during those times. He corrected Ms. Thomas' assertion that he did not live near the theater, and added that he had moved to a house one block from the theater during the past week. He noted that businesses that draw pedestrians serve to enliven the neighborhood and make it a safer place to live.

The public hearing was closed for Board discussion.

In response to an inquiry by Ms. McNamara regarding intervals between shows, Ms. Eliason replied that the 20-minute interval was staff's recommendation in order for the theater to clear out and for the new patrons to arrive; the parking would be cleared between the shows.

Mr. Haskett noted that some people will arrive 30-45 minutes early because the theater only have 45 seats. The parking capacity will sometimes accommodate two shows.

Mr. Piziali noted that Condition 8 called for a 20-minute interval between screenings, and suggested that a 15-minute interval would be sufficient.

Vice President Cook noted that she had visited the site three times, including an evening show and a morning show. The theater was not crowded either time. She also attended a sold-out show on a weekend evening, and had no problem parking. She had enjoyed her visits, and noted that it was a good place for teens to attend. She noticed there were no bike racks, and strongly suggested that a bike rack be included in the conditions of approval. She noted that the audiences cleared the theater very quickly, and believed that a 15-minute interval would be sufficient. She believed it was important for the patrons to realize that they were in a district bordering a residential neighborhood. She believed the small district businesses would support each other.

Ms. Kohlstrand supported this use, but believed that an interval of one year to bring the building up to code was excessive.

Mr. Douglas Garrison, project planner, noted that was a combination of an existing standard condition of approval for such projects. He noted that could be changed to six months.

Ms. Kohlstrand agreed with Ms. Thomas' assertion that the staff reports should be more specific regarding the parking requirements for particular projects, and how they relate to the Code requirements. She did not believe that substantial new parking requirements should be introduced in such uses, and believe they could exist with available on-street parking.

Mr. Piziali noted that traffic and parking would always be a problem in compressed urban areas.

Ms. Harryman advised that the prime broker may have this item come back directly for a hearing, or it may request a staff report as an item under "Staff Communications." If the Board decided to hear the item further, it may be agendaized. She noted that the Building Code violations were being handled by the Building Division on a separate track; the planning issues were being separated from the building issues.

Mr. Haskett advised that everything requested by the Building Division had been submitted to them.

Ms. McNamara noted that she had not attended Central Cinema, but was impressed by the outpouring of support from the neighborhood. She was very sensitive to the parking issues, and noted that her neighborhood would be affected by the zoning changes. She noted that sensitivity to the neighborhoods was a very important component to those changes. She supported the idea of an analysis report. She believed this was a good business.

Mr. Lynch believed the Planning fees were reasonable, and noted that the items on this agenda reflected an evolving community, in an evolving world. He noted the mixed uses had a long tradition in this country, particularly before the end of World War II. He noted that the City would be facing the question of merging uses constantly. He commended the applicant in beginning to merge commercial uses in a residential community.

M/S Kohlstrand/McNamara to adopt Planning Board Resolution No. PB-05-22 to grant a Use Permit allowing the operation of a Boutique Theater located in a C-1 Zoning District. The following modifications would be included:

1. Condition 8 – Parking requirements would be minimized by allowing the theater to provide a minimum of 15 minutes between movie screenings before 6:00 p.m., and 20 minutes after 6:00 p.m.;
2. A compliance report would be required to be submitted to Planning staff one year after the approval of this resolution. If needed, staff would bring it before the Planning Board; and
3. A bicycle rack would be installed.

AYES – 5 (Cunningham, Mariani absent); NOES – 0; ABSTAIN – 0

Vice President Cook called for a five-minute recess.

- 8-C. **DR04-0051, 616 Pacific Avenue, Applicant: Erwin Roxas (AT/EP).** The proposal is an appeal of the code enforcement action which determined that the demolition of a single-family residence, located at the above address, is in violation of the AMC §13-21-10 b (removal or demolition of an historic structure without proper permits) and is, therefore, subject to the five (5) year stay that prevents the issuance of any building or construction-related permits for the property. The applicant had received Major Design Review approval in July 2004 for proposed 1st and 2nd story additions, enlargement of the detached garage, interior remodel, porch additions, etc. that would add approximately 1,562 square feet to the dwelling and 225 square feet to the garage and storage shed. The property is within the R-4, Neighborhood Residential District.

M/S Piziali/Lynch to continue Item 8-C to the meeting of June 27, 2005.

AYES – 5 (Cunningham, Mariani absent); NOES – 0; ABSTAIN – 0

- 8-D. **DR05-0041 – Final Design Review of the Proposed New Cineplex - City of Alameda (CE/JO).** Final design review, including consideration of Section 106 findings for the proposed Cineplex at the corner of Oak Street and Central Avenue, generally on the Video Maniacs site. This site is located at 2305 Central Avenue within the C-C and C-C-PD (Community Commercial and Community Commercial -- Planned Development) Districts.

Ms. Kohlstrand advised she would recuse herself from Items 8-D and 8-E because she was involved in the analysis for the parking garage and the theater.

Ms. Jennifer Ott summarized the staff report, and noted that the Planning Board preliminarily accepted the Cineplex design on May 9, 2005, to serve as a basis for Section 106 findings. The findings were brought before the Historic Advisory Board; those draft minutes were included in the packet. Staff recommended approval of the design of this project.

Mr. Rob Henry, Henry Architects, project architect, displayed and discussed the changes made to the project design since the last meeting. Input from the Planning Board and the HAB led to the following changes:

1. The corner sign was replaced by additional detailing, continuing the horizontal band element in the corner for a more Art Deco feeling on the corner;
2. HAB believed that there should be a more continuous feel in the columns; the white element was replaced by brick;
3. The dome was eliminated from the corner element (Oak and Central), and was replaced by a flat corner element;
4. The roofline was notched down to provide softening to the corner; a recessed element was placed further from the face of the building;
5. The mechanical screens were reduced in size, and would not be visible from the street level;
6. The historic theater mezzanine level would be connected to the elevator in the new facility; and
7. The aluminum window and door systems were changed to clear anodized aluminum to match the retail spaces of the Alameda Theater.

Mr. Henry discussed the materials and colors, and noted that a colors and materials board was available.

In response to an inquiry by Mr. Lynch, Ms. Ott confirmed that this item was to discuss the design review of the new theater. No restoration issues would be discussed.

Vice President Cook confirmed that all comments would be three minutes long as previously voted upon. She advised that City Council agreed with the developer through Disposition and Development Agreement to proceed with this project. She noted that the Planning Board's job was to provide the best design for this project, which was located on a small site.

The public hearing was opened.

Ms. Janin Von Furst, 917B Santa Clara, spoke in opposition to this item. She expressed concern about the environmental impact that such projects have on a city the size of Alameda, particularly with respect to parking. She noted that the design reminded her of Jack London Square, but that Alameda could not handle that amount of traffic from outside the city. She noted that the bridges and tubes would be busier, bringing more traffic through the residential neighborhoods. She was concerned that people would park in the neighborhoods to avoid paying for parking in the parking garage. She suggested the use of residential parking permits for neighborhoods near projects of this size.

Ms. Nancy Hird, 1519 East Shore Drive, spoke in opposition to this item, and noted that she was not speaking on behalf of AAPS. She believed that the massing of this building was excessive although it was improved. She believed that a three-screen theater would be sufficient, and did not want to bring more traffic into Alameda from outside the City. She noted that the success of the Central Cinema disproved the theater that multiple screens were necessary to be economically feasible.

Ms. Paula Rainey, 556 Palace Court, spoke in opposition to this item. She believed this project was too big for this district, which was pedestrian-oriented and too crowded with traffic. She believed the new design had been improved, but did not believe this design would enhance the neighborhood. She noted that the design was not pedestrian-friendly, and was too close to the street without softening. She suggested that the old theater be restored, but that the new Cineplex be eliminated. She believed this was a megaplex, and the lack of freeway frontage roads made the situation more difficult.

Ms. Pat Bail, 825 Paru, believed the design had improved since the beginning, but that the residents were unprepared for the scope of this project and its impact on the neighborhood. She believed this design was overpowering and inappropriate for the area. She supported the garage, and believed there should be more land area for the garage. She believed this design was too massive for the area, and suggested rethinking the Cineplex.

Ms. Ani Dimusheva, 2911 Calhoun Street, spoke in opposition to this item. She supported the elimination of the Cineplex from the site, and did not believe that Alameda wanted or needed a Cineplex. She would like an open, walkable, sunny area in that district without excessive traffic.

Ms. Valerie Ruma, 1610 Willow, spoke in opposition to this item. She submitted petitions signed by residents who opposed the Cineplex on this site, and believed that the restoration of the historic theater had been lost in the design of the Cineplex. They were concerned about the traffic impacts, and that opposition to the Cineplex design had not been fully heard. The petition called for the immediate halt of this process, and to discuss the alternatives with the Mayor, City Council and the Planning Board. She believed the historic theater rehabilitation had been a “bait and switch,” with the Cineplex.

Mr. Chuck Millar, 2829 San Jose Avenue, spoke in opposition to this item. He noted that there has been a hugely negative response to this project, and that he had witnessed only one supporter of this project speak who did not have a vested commercial interest in the project. He noted that the design strongly resembled the massing model that the residents objected to; he believed this design was not particularly faithful to the Art Deco or Moderne design. He would not oppose the idea of starting over with the design. He would like the Board to listen to the public who strongly opposed this design.

Mr. Richard Knight, 1372 Versailles, declined to speak.

Ms. Steph Wades, 1777 Shoreline Dr. #212, spoke in opposition to this item, and echoed the comments made by previous speakers. She did not believe that Alameda needed a seven-to-ten-screen movie theater that would increase traffic. She valued the small-town feel of Alameda, and supported the restoration of the historic theater. She was concerned that business owners valued greed more than preserving the small-town feel of Alameda.

Ms. Judith Lynch, 1372 Versailles Avenue, noted that she was a member of the HAB, and respectfully suggested that the staff report was not accurate. She noted that the design was not seriously modified to respond either to Bruce Anderson's report or HAB comments. She did not believe this design was faithful to the Art Deco tradition. She noted that when the preliminary design was shown last fall, she had stated that it looked like a building with a refrigerator box on the corner; she noted that had been changed to what resembled a corner grain silo. She did not believe that change was compatible, harmonious or responsive to the community's comments. She noted that the people from the Twin Towers were concerned about the blank wall, and intended to take pictures of their historic art glass windows, and would project it onto the blank Oak Street façade. She supported waiting for a design the City could be proud of.

Ms. Deborah Overfield, 2805 Clay Street, spoke in opposition to this item and agreed with the previous speaker. She believed this project was too massive for the Island, and supported the elimination of the Cineplex.

Mr. Bill Woodle spoke in opposition to this item, and noted that he had also circulated a petition against this design. He had also heard from people who supported a large Cineplex, and had been called a "Nimby" by one person.

Ms. Linda Hanson, 1816 Wood Street, spoke in opposition to this item, and believed that the design as published in the newspaper was presented as a *fait accompli*. She noted that hundreds of people had signed the petition, asking that the project be put on hold. She believed the scale and design conflicted with the unique historic character of Alameda, and that traffic would be impacted. She was concerned that there was no open area for people to gather, and that it ignored the green building principles. She believed that this design was more reminiscent of Fisherman's Wharf, and was not convinced that it would be financially successful. She urged the Planning Board and City Council to reconsider this project.

Mr. Carl Lasagna spoke in opposition to this item, and believed that the design was slightly less offensive than the last design. He compared the design to an electric razor. He supported alternatives to this project, which he believed was overwhelming and unattractive, and did not believe that the use of eminent domain was unethical. He supported the combination of live performing arts with the historic theater. He suggested that the Planning Board work with the community to redesign this project, so that the parking structures needed for downtown be built, and that the historic theater be left intact. He believed that the negotiations should be held ethically.

Mr. Jim Strela noted that his family had previously owned the Neptune Theater in the 1930s, and added that to get first-run films, multiple screens were necessary. He believed the historic theater was being lost in this design.

Mr. Rich Tester noted that he owned a business on Santa Clara, and noted that their business would be in the shade of this structure. He expressed concern about the impact on his business by traffic congestion.

Ms. Jennifer Van Arsdale spoke in opposition to this item, and agreed that the Cineplex should be eliminated. She noted that the renderings had improved, but that the combination of the Cineplex and the garage dwarfed the historic theater. She expressed concern that the only way the historic theater could be renovated was to include the Cineplex as well.

Mr. Michael Cote spoke in opposition to this item, and added that this project began as the restoration of the historic theater. He noted that the historic theater was dwarfed by the garage and the Cineplex, and that the historic theater was reduced to a façade through which people would walk to the Cineplex. He expressed concern about the installation of new stadium seating, which would gut the interior of the theater. He was concerned about cost overruns, and the possibility of public service positions being cut to fund this project.

Mr. Lee expressed concern about this design, and believed it was too large for the site. He believed the Cineplex would be an eyesore, and was very concerned about the traffic impacts. He believed the financial risk to Alameda in funding the project was too big.

Mr. Vern Marsh spoke in opposition to this item, and did not approve of the plan; he did not like the design of the building. He would support a theater on the scale of the Grand Lake Theater, with three or four screens. He believed this was excessive and was too expensive.

Mr. George Hubbard noted that he had previously worked for Skywalker Sound, and worked in the industry. He suggested that the Planning Board consider alternate uses for this theater, and was concerned that this theater would fail without freeway access.

Mr. Robert Van Der Wall spoke in opposition to this item, and believed that Alameda was the antidote to sprawl. He did not believe that massive parking garages and

megaplexes were compatible with Alameda's character and scale. He displayed his own design for a scaled-down theater.

Ms. Joan Boucher noted that in her household, they called Alameda "Ala-Mayberry." She enjoyed the neighborliness and pedestrian access in Alameda. She looked forward to walking to the historic theater, with three screens. She noted that many Alamedans did not know about this plan that far in advance, and had been taken by surprise; many of her neighbors did not like the new design. She believed this design would be a mistake for the Island.

Morgan spoke in opposition to this item, and noted that Alameda was the only city that she felt comfortable in. She believed this design was wrong for the Island, and noted that walking and bicycling in the City was already hazardous.

Ms. Nancy Kerns, 1175 Regent Street, spoke in opposition to this item. She believed this design has far exceeded the original vision, but did not believe this project was appropriate for the Island. She had not found anyone in town who believed that this many screens would be a good idea. She was very concerned about the traffic impacts, and believed that critical mass on this theater proposal had been reached very quickly. She did not believe anyone in town wanted this complex in town.

Ms. Birgitt Evans, AAPS, 2829 San Jose Avenue, spoke in opposition to this item, and noted that AAPS had been involved in this project for a long time. She had spoken with Christopher Buckley, who was very concerned about staff's report that this design was "highly responsive" to AAPS' concerns. Neither he, Dick Rutter, nor she believed this design reflected their concerns. They did support Bruce Anderson's Section 106 review, as well as the HAB's comments at their June 2 meeting, in which four out of five HAB members stated that the design should be returned to the drawing board. She noted that the Henry Architects had created a very nice design for an Art Deco theater in Livermore that featured vertical elements. She believed the current design was a cacophony. She was very concerned that the big box look and the second story gallery window would overwhelm the buildings next door.

Mr. Rob Ratto, PSBA, noted that the Board of Directors of PSBA had reviewed this design and approved it unanimously. He commended Kyle Connors (architect) for taking so much community feedback, dealing with the Secretary of the Interior's guidelines, and integrating the comments by the Planning Board and City Council to design a workable theater. PSBA believed this design would work, and believed the downstairs retail would be a good addition. He urged the Planning Board to accept the final design.

Mr. Kevin Frederick, 1287 Caroline Street, spoke in opposition to this item. He believed that the design was offensive and did not believe the architecture was compatible with Alameda's vision for a theater design that would be appropriate to the neighborhood. He noted that there was considerable opposition to this design in town, and that it would be a financial disaster for the City.

The public hearing was closed for Board discussion.

Ms. Harryman advised that the Bylaws required that the meeting adjourn at 11:00 p.m., but that the Board may make a motion to adjourn it at a later time certain.

Mr. Lynch suggested that Items 8-D and 8-E be continued to the next meeting because of the lateness of the hour. He did not believe it would be possible to properly consider both items in a timely fashion.

M/S Piziali/Lynch and unanimous to continue the meeting to 11:30 p.m.

AYES – 4 (Cunningham, Mariani absent); NOES – 0; ABSTAIN – 1 (Kohlstrand)

Mr. Piziali preferred to have the public comment all at one meeting.

Ms. Eliason noted that Items 8-D and 8-E would be the first items on the next agenda.

Vice President Cook expressed concern about moving forward with this item without a full Board.

Mr. Lynch wished to discuss the issue of eminent domain, and noted that when the property has not been maintained by the owner, it is incumbent upon the public body to do so. He noted that the question of eminent domain is the right vehicle may be addressed, but believed that the suggestion that the City may not exercise it was a gross overstatement.

Ms. Leslie Little, Development Services Director, noted that this project had been much larger in its earlier forms, and that it had been downsized considerably. She noted that there had been a lot of discussion about the new theater component at this meeting, and emphasized that the idea of the project was to utilize the historic theater in the grandest way possible. She noted that it was important to bring as many people into the historic theater as possible; there would be no separate entrance for the new theater. She noted that the concerns about the stadium seating gutting the historic theater; she noted that the original seating had been gone for some time, and that the theater had other uses for many years, including as a roller rink. She noted that the ceiling would be patched, and that the holes had been made by previous tenants to install lighting. She noted that as conceived, parking on the street would be as it is now; it would be free in the evenings, and metered during the day. She advised that all of the theater parking would be validated by the theater operator, and there should be no concern for incursions into the neighborhoods for parking. She noted that the General Plan required that all new construction in the commercial district be constructed right on the street so that it repeated the same pattern of the historic district. The tools of the General Plan, including the economic development strategy and the Downtown Vision Plan, have been used to help guide this design.

Ms. Little wished to address the size of the new Cineplex, and she suggested that it be eliminated to gain more parking. She noted that the new Cineplex structure would be only 35,000 square feet on two stories; the footprint would be 17,000 square feet. Parking

structures require a certain size to be workable, and that 17,000 square feet may accommodate 43 extra spaces. The new complex did not sit on a large site. She noted that the operator, Kyle Connor, was not a large corporate entity, and was an independent operator; he knows the community and the residents. She noted that this theater never did have the 2,200 seats that had been discussed. She noted that the \$25 million price tag included the \$10 million for acquisition and seismic upgrades and stabilization to meet Code requirement. Another \$10 million of public money would go into the parking structure, which had been identified by PSBA as being a priority for the business association and downtown. She noted that a shade analysis would be performed; she did not believe it would cast a shadow onto Santa Clara Street because of the location of Long's. Staff would follow up on that item at the next meeting. She noted that other retail uses, such as restaurants, already provided patrons on the street; those patrons would be drawn to the theater as well. She did not expect the theater to be patronized by all new people, and that there would be some crossover trips.

Mr. Piziali understood that there was concern in the City about this project, but that he had not been approached by anyone who has expressed that opinion. He emphasized that this project has been discussed for five years, starting with the Downtown Visioning Process. He noted that he listened very carefully to people in the City about this and other projects.

Vice President Cook believed it was important to take into account all the comments throughout the process. She noted that she had been Chair of the Visioning Process, was on the EDC six years ago, and knew how important this project has been over the years to enliven downtown. She acknowledged this was not the perfect project on the perfect site. She stated that the people working for the City had the City's best interests in mind. She wanted to make it clear throughout the process that full restoration of the historic theater had not been possible, and had stated that on the record in the past.

Ms. McNamara noted that her concerns were regarding the financial nature of the restoration. She noted that the City budget was in a critical state right now, and questioned whether this was the time to spend the money on the restoration of the historic theater.

Ms. Little advised that the project used tax increment dollars, as well as Section 108 dollars, neither of which can be used to pay for services, salaries, or overhead. She added that they were economic development dollars that were specifically intended to create new revenues in communities. She noted that they could be used in other capital interest projects within a certain period of time, but could not be used for fire, police, or social services.

In response to an inquiry by Ms. McNamara, Ms. Little stated that it was not the case that the only choices were to build a seven-screen theater or to tear it down.

Ms. Little stated that staff went through six public meetings about setting the ultimate design criteria regarding what would be dealt with, to identify the major issues for

Alameda regarding what this project should or should not do. She noted that was performed before the DDA, and before the City entered into a contractual arrangement.

Vice President Cook stated that the Board was happy that was the sequence of events for this project, and that other projects had a DDA before design discussions took place. She noted that months of design discussions had taken place before the DDA was put in place for this project.

Mr. Lynch requested that staff detail the parameters of the funding mechanism at a future meeting. He noted that some members of the public did not want a garage, and noted that would affect the DDA. He noted that the Planning Board had specific authority, and could not modify the project outside those parameters.

Mr. Piziali noted that it was the City Council's job to decide whether this project was done or not, and that it was not the Planning Board's charge to do so.

Ms. Eliason advised that the speaker slips would be maintained in the Planning file.

M/S McNamara /Lynch and unanimous to continue this item to the Planning Board meeting of June 27, 2005.

AYES – 4 (Cunningham, Mariani absent); NOES – 0; ABSTAIN – 1 (Kohlstrand)

- 8-E. **UP05-0008/DR05-0028 – Use Permit and Final Design Review of the Proposed New Civic Center Parking Garage – City of Alameda (DSD).** Consideration of a Use Permit and Final design review, including consideration of Section 106 findings, for a new 352-space parking structure at the corner of Oak Street and Central Avenue, generally on the Video Maniacs site. This site is located at 1416 Oak Street within the C-C and C-C-PD (Community Commercial and Community Commercial -- Planned Development) Districts.

M/S McNamara/Lynch and unanimous to continue this item to the Planning Board meeting of June 27, 2005.

AYES – 4 (Cunningham, Mariani absent); NOES – 0; ABSTAIN – 1 (Kohlstrand)

9. **WRITTEN COMMUNICATIONS:** None.

10. **BOARD COMMUNICATIONS:**

- a. Oral Status Report regarding the Alameda Point Advisory Committee APAC (Vice-President Cook).

Vice President Cook advised that the final community meeting was held the previous week, at which time the staff presented the preferred development concept, as well as the Non-Measure A alternatives to that in greater detail. Staff will work on a final copy of that report, which would be available in several weeks. That report would be the subject of hearings with the ARRA Board and the Planning Board over the next 12 to 18 months. She noted that the community hearings had been well-attended.

- b. Oral Status Report regarding Northern Waterfront Plan (Vice-President Cook).

Vice President Cook advised that there had been no further meetings.

- c. Oral Status Report regarding the Golf Course Committee (Board Member Piziali).

Board member Piziali advised that there was nothing to report at this time.

- d. Oral Status Report regarding Oakland/Chinatown Advisory Committee (Board member Mariani).

Board member Mariani was not in attendance to present this report.

11. **STAFF COMMUNICATIONS:** None.

12. ADJOURNMENT:

11:26 p.m.

Respectfully submitted,

Paul Benoit, Interim Secretary
City Planning Department

These minutes were approved at the June 27, 2005, Planning Board meeting. This meeting was audio and video taped.